

REMARKS

1. Claims 62, 64 and 66-68 are rejected as obvious over Walker in view of Puram.

The Examiner contends that Walker teaches all features of claim 62, as examined, except for the priority feature. Claim 62 had recited as an element of the customer-created "project data structure",

- d) one or more fields defining the level of priority to said customer, for said project, of each of the desired levels of (c) above.

The (c) in turn, referred to the "desired levels of expertise or experience of the expert in each of one or more categories of expertise or experience".

There was also a further proviso by which expertise and priority were set forth in a hierarchical manner:

wherein for each expert, the level of expertise or experience is defined on a hierarchical basis comprising at least two tiers, and for each project, the desired level of expertise or experience and the priority of that desired level is defined on a hierarchical basis comprising at least two tiers

The Examiner asserts that the deficiency in Walker is remedied by Puram. Specifically, he states that limitation (d) is satisfied by col. 5, line 60 to col. 6, line 14; and figures 2 and 9, and that the hierarchical definition of priority is satisfied by col. 3, line 59 to col. 4, line 5; col. 5, line 60 to col. 6, line 14; and figs. 9 and 10.

Puram Fig. 10 assigns a three degree priority to each skill (field 195, "core strength", "experienced", "beneficial"), and a maximum score (field 197) which correlates with the priority (col. 6, lines 42-43). Thus, in Fig. 10, the prospective

employee earns up to 2 points for a "beneficial" skill, 5 points for an "experience" skill, or 10 points for a "core strength" skill.

The candidate's skill level is likewise ranked as "beneficial", "experienced" or "core strength". The employee skill level is then "adjusted" in view of the employer priority. Puram col. 7, lines 51-59 teaches

for each skill, the candidate's score is compared 250 to the maximum score needed by the employer. If the candidate's score exceeds the maximum score requested for a skill, then the system generates an adjusted score for that candidate for that skill that equals the maximum scored needed by the employer 255, 256. If the candidate's score does not exceed the maximum score for that skill, then the adjusted score for that skill equals the actual score.

See also Figs. 11a, 11b.

Fig. 10 indicates the possibility of specifying a minimum skill level, but the field (196) was not used in the Example.

2. Claim 62 has been amended to recite a "match data structure" whose features distinguish Walker/Puram.

Applicant's specification teaches that the database 118 (the expert data structure) is matched with the database 120 (the project data structure) to produce matching database 122. (Fig. 1; spec. p. 16). The amended claim 62 refers to the resulting database as the "match data structure" enumerated in section (4).

The process is discussed in more detail at pages 35-36. This states that the match engine "determines how close a match was found via a mathematical formula that takes into account the level of expertise requested, the priority (importance) of the expertise requested, and the level of expertise provided" (page 35, lines 23-26). These features are incorporated into claim 62(4).

The matching database includes "a summary list of matches and a ranking of those matches" (page 36, lines 12-13). Thus one field identifies (possibly through a code) the expert, and a second field the match ranking of that expert for that project.

It does not appear to us that Puram contemplates having the employer specify a desired skill level, which affects how the expert is ranked. Rather, Puram's employer specifies just a priority, which limits the point value of the expert's skill level.

If this be construed to also be a desired skill level, then priority and skill level are always in lock step; one can't have a high priority associated with a low desired skill level, or a low priority with a high desired skill level.

It is true that Puram Fig. 10 refers in passing to a "minimum required experience". Absent any discussion, we must assume that if the candidate fails to meet this requirement, he or she is absolutely eliminated. This is not a level of expertise which is merely "requested" or "desired" within the meaning of amended claim 62, it is a "mandated" level.

Amended claim 62 therefore requires that the priority be "specifiable independently of said desired level of expertise", and that "said ranking database" not exclude an expert merely because, in one or more categories, the expert's level of expertise is less than the customer's desired level of expertise".

New claim 71 is based on the statement that the formula may be "a weighted average of the difference between provider and requester levels, with priority assigned by the requester to each entry [category] as the weighting factor". Cp. page 36, lines 2-3.

A specific formula appears at the top of page 36:

$$\frac{20 * \sum (5 - \text{MAX}(0, (\text{ProviderLevel} - \text{RequesterLevel}))) * (6 - \text{Priority})}{\sum (6 - \text{Priority})}$$

Let us analyze this formula. The formula assumes that expertise and priority are ranked on a 5-point scale, where 1 is highest (page 34, lines 20-21).

The expression "5-MAX (0, (ProviderLevel-RequesterLevel))" is five regardless of whether the provider level is equal to or less ("better") than the requester level. Thus, this formula in fact gives no benefit to an expert with expertise greater than desired. (Cp. new claim 72.) Also, because of the "5-MAX" term, an expert is still in the running even if the level of expertise is less than the desired level. For example, if the expertise is one worse than the desired level, the "5-MAX" term is four, not zero.

The factor (6-Priority) is highest (gives most weight) when priority = 1. Cp. new claim 73.

Let us look at a hypothetical use of the formula. In the table below, I assume three categories (I-III) of expertise. The second and third columns are from the project data structure. The A, B and C columns are separate records from the expert data structure.

<u>Category</u>	<u>priority</u>	<u>desired Requester</u>	<u>Provider Level</u>		
		<u>level</u>	<u>A</u>	<u>B</u>	<u>C</u>
I	1	2	1	2	3
II	2	3	3	3	1
III	3	4	5	4	1

For expert A, category I, the right hand numerator factor of the formula is calculated as follows:

ProviderLevel = 1

RequesterLevel = 2

ProviderLevel-RequesterLevel=(1-2)=-1

Max (0, -1) = 0

5 - 0 = 5

Priority = 1

6 - Priority = 5

5 * 5 =25.

In like manner, we obtain a right hand numerator factor of 20 for category II and 15 for category III. The denominator is the sum of (6-1=5), (6-2=4), and (6-3=3), or 12.

In the match database, we get

Score

A: 20 * (25+20+12)/12 = 95
B: 20 * (25+20+15)/12 = 100
C: 20 * (20+20+15)/12 = 91.7

It is clear that B is the top ranked expert (highest match score). A ranks second, C ranks third. None are eliminated.

3. New claim 69 distinguishes Walker and Puram on a different basis than amended claim 62.

The match engine initially display only a "Summary" list of matches. The summary list does not necessarily include all information about the other party.

To see more detailed information the user (whether the expert, or the customer for expert services) must pay a fee.
Page 36, lines 14-18.

Original method claim 13 recited

The method of claim 12, wherein: the information collected from the first party further comprises confidential information about the party;

the information collected from the second party further comprises confidential information about the second party; and

none of the confidential information about the first party or the second party is released to the second party or the first party, respectively, until after the payment has been received.

See also original system claim 26.

In the case of a customer's query, the summary list might provide the overall ranking, but not the expert's individual expertise levels for each category. It might provide an identification code for the expert, but not the expert's name and other contact data.

In the case of an expert's query, the summary list might provide the overall ranking of the projects, but not all of the project's specific requirements. It might provide an identification code for the customer, but not the customer's name and other contact data.

If the customer purchases access to an expert's record, that doesn't mean the expert automatically gets access to the customer/project. If the expert didn't make a reciprocal purchase, he or she would have to wait for the customer to initiate contact.

Likewise, if the expert purchases access to a project record (including the identity of the customer, the customer doesn't automatically get access to the expert's record.

Thus we have a control data structure providing independent, bidirectional control of access.

New claim 69 recites such a control data structure.

While Walker does contemplate anonymous communication (col. 5, lines 1-10, col. 25, lines 43-47), it is only the expert's anonymity which is protected. The end user is shown expert IDs but not contact information. If the expert accepts, the contact information is transmitted and the end user is billed. No provision is made for customer confidentiality. Since confidentiality is unidirectional, Walker did not address the issue of whether confidentiality in a bidirectional context should be all-or-nothing, or independently controlled for each direction.

USSN - 09/636,547

Puram does not remedy these deficiencies.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: 

Iver P. Cooper
Reg. No. 28,005

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
G:\ipc\g-i\HEAM\KOENIG2\pto amend3.wpd